

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

BOBBY LEEROY CANTWELL,

Defendant.

JAN 18 2006

William B. Guthrie
Clerk, U.S. District Court

By Deputy Clerk

No. CR-05-026-WH

REPORT AND RECOMMENDATION

Pursuant to the provisions of 18 U.S.C. § 4241(b), and the August 29, 2005, order of United States District Judge Ronald A. White, adopting the undersigned Magistrate Judge's report and recommendation of July 11, 2005, the Defendant Bobby Leeroy Cantwell ("the Defendant") was found to be incompetent to stand trial and was committed to the Attorney General of the United States for further evaluation and treatment not to exceed four months, in order to determine "whether there [was] a substantial probability that the Defendant [would] attain the capacity to permit the trial to proceed." *See* Docket No. 13, Order. Having received a Sealed Psychiatric Report [Docket No. 14] from the United States Medical Center for Federal Prisoners in Springfield, Missouri, on December 27, 2005, the undersigned Magistrate Judge conducted a competency hearing on January 19, 2006, for the purpose of determining the Defendant's mental competence to stand trial. The Defendant appeared in person with appointed counsel Assistant Federal Public Defender Robert Ridenour, and the United States of America ("USA") was represented by Assistant United

States Attorney Gregory Dean Burris. Neither party objected to the findings of the psychiatric report, which indicated the Defendant was competent to stand trial, nor did they offer any additional evidence. The undersigned Magistrate Judge thereafter made an oral finding that the Defendant was presently competent to stand trial and proceeded with the arraignment of the Defendant.

Based on the psychiatric report, the undersigned Magistrate Judge FINDS "the [D]efendant is [not] presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(d). Accordingly, the undersigned Magistrate Judge RECOMMENDS a determination that the Defendant be found competent to stand trial.

The parties are herewith given ten (10) days from the date of the service of this Report and Recommendation to file with the Court Clerk any objections, with supporting briefs.

DATED this 19th day of January, 2006.


STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE